G. R. S. 59] GPB—15,000—20 12-13

GENERAL AND REVENUE SECRETARIAT.

1901.

(Police.)

File No. 47 of 1901.

Serial Nos. 1 — 5

Papers Filed.

Month February 1902.

SUBJECT.

Appeal of Mr S. Leighton Railway Police Inspector against the order of the Inspector General of Police refusing to grant him privilege leave

Directed

N. Krishnaswamy

PREVIOUS REFERENCES.	LATER REFERENCES.
	Commissioner

Note

Petition dated 10th January
1902 from T. Leighton,
Railway Police Inspector,
(on leave) appealing agai
the order of the Inspector
General refusing to
grant him privilege lea
though he was entitled t
the same.

The Petitioner stat
that he applied to the
Inspector General of Po
for his pay and
allowances due to him
from 1st September 1901 being
disbursed to him, that
the first 3 months' leav
on medical certificate
may be commuted into
privilege leave. The
Inspector Genl passed
the following order on
the Petitioners applica
"you were granted
sick leave on medica
certificat

certificate and another person appointed. So your leave cannot be commuted into furlough leave. If you send a bill for the leave allowance due to you together with last pay certificate it will be sent for audit.

2. The Inspector now appeals against the above order on the following grounds:-

(1) That the leave applied for by him was privilege leave which he had earned, and that the medical certificate he has only produced under the orders of the Inspector General and that the commutation of the leave asked for is admissible under the M. C. S. Regns; &

(2) That another person's being appointed in his place is no reason why he should be deprived of his pay.

3. He prays that the Govt may be pleased to order the disbursement of the pay and allowances due to him.

4. In the bill attached to
the Inspector's appli-
the Inspector General
of Police, full pay
claimed by the Inspector
for 3 months from 18th
September 1901, and
half pay from the 18th
to 31st December 1901;
considering the former
period of 3 months as
privilege leave & the
latter as furlough.

5. Under Art. 165 of the
Mysore Service Regulations
No kind of leave except
extra-ordinary leave
without allowances
under Art. 221, and in
certain cases, Examina-
-tion leave, can be
granted in Continuation
of any other kind; but
any leave granted under
these Regulations may
be retrospectively chan-
-ged

"for any other kind of
period of leave for which
the officer was qualified
when the leave was
originally granted; xx.

6. If therefore the first 3
months of the leave granted
to Inspector Leighton
is commuted to privilege
leave under the provisions
of article 165 quoted above
then the leave taken in
continuation of the
privilege leave, should
be treated as Extra
-ordinary Leave without
allowances under the
former part of the
same article; because
~~if one regard for both~~
~~Reductions~~ if the remainder
of the leave is treated as
furlough or sick leave
then the whole period
has to be treated as
sick leave under art.
166 of the Service Regulations
xx It cannot be treated
as furlough under art.
165 above referred to.

x which as appears from
the Inspector Gl's order
on the Inspector's appln
is sick leave.

The point for orders
whether Govt should
interfere in this matter
and call for a repo
from the Inspector
General of Police.

Submitted for ord

The Comptroller may be
requested to furnish his opinio
as to the admissibility
the claim, the S.S. of
file being returned to
and him any necessary
information as to facts.

Secy

30-1-02

Please call for a
report — especially as
to about the S.S.
in para 3 of the Petn
that the Insp-Genl applie
originally for Privilege
leave. After receipt
of rept. the Comptr
may if necessary be
consulted.

4/2/1902

drafted 4/2

As called for as per fore-
going orders, the Inspector
will now ~~Dubeuch~~ report
as to what when Inspector Leighton
was in charge of the Bangalore
Nanjunged Railway Police
he was suspended at the
instance of the then Deputy
Inspector General of Police.
and after enquiry he was
released from suspension
and given pay for the
period of suspension
and posted to the Bangalore
Taluk Police; & that as
he was unwilling to take
charge of the Bangalore
Taluk Police and applied
for privilege leave, he
was informed that no
privilege could be granted
and that if he sent a
medical certificate, sick
leave would be given.
He further states that
Inspector Leighton sent
a medical certificate,
that sick leave was
given him for some months
that subsequently he
applied for and obtained
a years furlough in
addition

addition to the sick leave; that after a time he wanted the sick leave to be commuted into privilege leave and full pay passed for that period, and that he was informed that it could not be done. He adds that when sick leave was given to Inspector Leigh Mr Searle who had been sent by Govt for a post of Rs 70, was put in to act for him on half pay, viz, Rs 75.

Submitted for orders as to whether the opinion of the Comptroller may be obtained as regards the admissibility of the claim under the terms of Rule 12/2/02 Ref.

12.2.02

If he took furlough, in Country is not the whole leave to be converted into furlough?

14/2

Submitted.

Read 14/2.

Under the marginally noted

Noted provision made in art 165 of the Mysore Service Regulations, that leave on medical certificate first given may be changed for furlough, if he was entitled to it at the time and extension of furlough granted.

DWB MM
21/2/02

But Inspector Leigh requests that the first three months of his leave should be treated as privilege leave, and claims full pay for the period, the remainder of the leave, in continuation, being treated as furlough. But this does not seem to be allowed by the Civil Service Regns as stated above.

Submitted for orders

Reply to that effect 22-2-02

26/2

Page Index

"But any leave granted
"under these Regulations
"may be retrospectively
"changed for any other
"kind or period of leave
"for which the officer
"was qualified when
"the leave was originally
"granted".

Post Branch
28/1/02

Northern Div

9759
27 JAN. - 02
CORE.
1902

J 1053

No. 2093

SECTION

Name of Petitioner S Leight

Village Railway Police

FILE No. 47 of 02 Leave.

SERIAL No. 1 No 10 Oil Mongers Street

District Madras

Date of Arzi 10-1-02

Date of Receipt 15-1-02

Date of Disposal

No. of Enclosure 1

appeals against the orde
of the Inspector General
Police of Mysore, No. 3168/237
29-1-02, which is as follo
"You were granted sick le
on medical certificate
no other person appointed
your leave cannot be
commuted into privileg
leave. If you send a bil
for the leave allowance
due to you together with
the necessary certificate
it will be sent to audi
The grounds are

[illegible] by the petitioner, was
[illegible]ley, leave, which
[illegible] had earned during a
course of 7 years' uninterrupted
service
[illegible] the medical certificate was only produced
[illegible] under the orders of the Inspector
General
[illegible] the commutation of
the leave asked for
[illegible]
That an Officer being
appointed in this place
no reason why he should
be deprived of his leave
prays that orders may be
issued for the disbursement
of his pay & allowances
W.B.
12/1/02

Book Registered
15-1-02

2093

10. Old Mangers Side

10-1-02.

From

Solomon Leighton
Railway Police Inspector
on leave

To The Secretary to the
Govt: of Mysore
Revenue and General Department
Bangalore

Sir -

I beg to submit herewith my petition dated 7.1.02 to the address of the Inspector General of Police in Mysore with his endorsement thereon dated 9.1.02

2. In the petition I applied for pay and allowances due to me from September 01 and prayed that the first 3 months leave on medic certificate may be commuted under the Civil Service regulations into Privilege leave on the grounds specified therein. But the Offg: Insp General refuses to grant my request on the grou (1) that the leave granted was sick leave and (2) that another was appointed to my place.

3. I beg Respectfully to appeal against this order on the following grounds: -

(a) that the leave applied for by me was privilege leave, which I had earned during a course of 7 years uninterrupted service, on the score of ill-health. The medical certificate was only prod under the orders of the Inspector-General, and Commutation of the leave asked for is admissa under the Civil Service Regulations

I beg to point out that another's being appointed my place, is no Reason why I should be deprived my pay to which I am entitled. In fact there s been no place for me in the District to which Inspecting General posted me: For my applicat pay was referred by the Deputy Commissioner Langulme to the Inspecting General Saying, that s was no place for me in the District.

I beg to Submit that my case is a hard one d beg that you will be pleased to obtain orders of the Government for disbursement ay and allowances due to me as early as sible

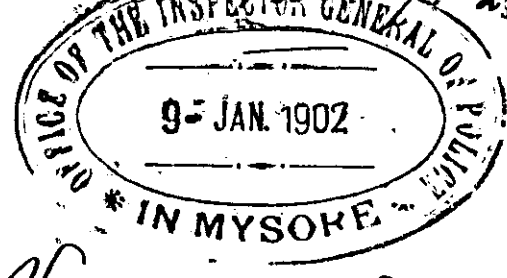
For this act of Kindness I Shall ever pr

I beg to Remain Sirs
Your most obedient Servant
M. Creighton

Enclosure 5 to 4

10. Oilmongers Street

Bangalore 7th Jan 1902.



To

~~B. K. Narasimhaiengar Esq~~
Inspector General of Police
in Mysore

Sir

As directed by you I have addressed the Dy Commissioner, Bangalore District. Although it is now one full month since I submitted my pay and Allowance bill to that Office I have not been favored either with the pay or any reply to my letter

2. I beg therefore to venture to address you and to respectfully submit

that it is a case of very great hardship to me that I should be kept out of pay so long since 1st. September 1901.

3. As you are aware Sir, the Code, admits of the commutation of leave on Medical Certificate, in "Privilege" leave. I beg that you will be pleased to sanction the same; for

(1) I have earned the privilege of three months or more than earned it having had no leave whatever during the previous seven years of my service.

I had to take leave on account of serious ill health as certified to by the Civil Surgeon, Bangalore.

The additional expense consequent on sickness may be graciously taken into consideration

(4) The illness was caused by troubles unfortunately brought on me ——

(5) As an old servant I cannot afford to lose three months which would count for service and pension &c.

3. Herewith I beg to submit a statement of what is due to me and to respectfully represent that subsequent grant of furlough does not deprive me of the privilege leave with full pay; vide Rulings of the Government of India in the Department of Finance and Commerce 22nd February 1901

" Insert the following as a new Article to the Civil Service Regulations

264-A. Privilege leave to the amount due may be prefixed as due to furlough, leave on Medical Certificate, to be

Grants sick leave on medical certificate & another person appointed. So Dr. leave cannot be commuted into privilege leave. — If you send a bill for the leave allowance due to you together with last pay certificate it will be sent for audit.

Accountant — 2nd

Off. Leg. Genl. Police in 9.1.1902 Mysore

× 3d J. F. Finlay Secretary

I remain for Jons most obedt Servt

Ab Lee Vere Railway Inspection Offr

Mysore Government

To / My Pay and Allowances

	Rate			Total		
Pay for period of Privilege leave on Medical Certificate						
September (1–12 on duty) 1901	150	"	"			
October 1901	150	"	"	450		
November 1901	150	"	"			
1. Rs 12 December 1901						
2. Rs 152 Privilege leave	68	1	"			
3. Rs 75 from 13 to 31st do on Furlough	46	5	"	104	6	0
Total				554	6	0

A. O. Leigh Mow

SECTION Police.

FILE No. 479 901

MYSORE, DEWAN'S OFFICE.

JUDICIAL DEPARTMENT.

No. 13052 Dt 6-2-02
J 1082 with Enclosure

OFFICIAL MEMORANDUM.

The accompanying Petition No. 2093 dated 10th January 1902 received at the Dewan's Office from L. Leighton, Railway Police Inspector on leave, appealing against the order of the Inspector Genl of Police refusing to grant him privilege leave, is forwarded, together with its enclosures, to the Inspector Genl of Police in Mysore for a report, - especially about the statement in para 3 of the Petn that the Inspector applied originally for Privilege leave.

By order,

Sd/- illegible
for Secretary.

BANGALORE,
The February 1902

10368

Jan 1902

From

Section Police

THE INSPECTOR GENERAL
OF POLICE IN MYSORE.

File No. 47 & 97

To

THE SECRETARY TO THE GOVT. OF MYSORE,
GENERAL AND REVENUE DEPTS.

Dated 7th

Despatched February 1902.

Received

General No. 253
No.

Enclosure No. 2

Stating the facts connected
with the case of Mr. Leigh
as required.

7 X

Jnl
10.2.02

Submitted with the
Office note continued

12/2/02

MGCPE—5-3-01-1000

OFFICE OF THE

INSPECTOR GENERAL OF POLICE IN MYSORE.

No. 253 Dated Camp Benkipura
9th February 1902.

Enc. 2

From

B. K. Venkatavarada Iyengar Esqr:
Offg: ~~The~~ INSPECTOR GENERAL OF POLICE IN MYSORE.

To H. V. Nanjundayya Esqr: B.A, M.L.
~~The~~ SECRETARY TO THE GOVT. OF MYSORE,
in the GENERAL AND REVENUE DEPARTMENTS.

Sir,

With reference to your official Memo No- 13052/1082 of the 8th February 1902 forwarding for report the appeal of Mr. S. Leighton Police Inspector against the order of this Office refusing to grant him privilege leave, I beg to submit as follows:—

2. When the Inspector in question was in charge of the Bangalore-Nanjangude Railway police he was suspended at the instance of the then Deputy Inspector General of Police. But after enquiry he was released from suspension and the fact reported to Government. He was given pay for the period of suspension and posted to the Bangalore Taluk Police; but he showed

unwillingness to take charge of the Bangalore Taluk Police and wanted to have charge of the paid railway police. As it had been given away to another Inspector by order of Government, he was informed that he should take charge of the work assigned to him. But he applied for privilege leave. He was informed that privilege leave could not be granted, but if he sent a medical Certificate, sick leave would be given. He sent a Medical Certificate and sick leave was given for some months, and he subsequently applied for and obtained a year's furlough in addition to the sick leave. After a time he wanted the sick leave to be commuted into privilege leave and full pay passed for that period, but he was informed that it could not be done. Against this he has appealed to Government. These are the facts of the case. When sick leave was given him a Mr. Searle, who had been sent by Government for a post of Rs 400/, was put in to act for him on half pay viz 175 Rs.

3. The appeal petition and its enclosure are

herewith to be transmitted.—

I have the honor to be,

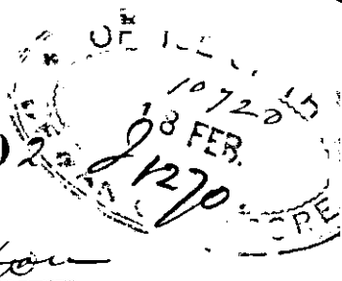
Sir,

Your most obedient Servant,

R. Wm. Addison

Offg: Inspector General of Police.

C.S.



1902

From

SE. Mr Lyttleton

FIL. 474/01 Blayds Town Madras

To

SER. 4

THE SECY. TO THE GOVT. OF MYSORE,
GEN. & REV. DEPTS.

Dated 17-2-02

Despatched

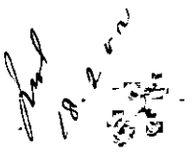
Received

General No.

No.

Enclosure No.

Communicating his present address in Madras in re any communication that may be made to him with regard to his pay and allowances.



10 Oilmongers Street
Black Town Madras
17. 2. 02.

Sir.

Having had to leave
Bangalore very suddenly,
on a pressing Emergency,
I respectfully beg to sub-
mit, with reference

VS

to my appeal, in re
pay and allowance
due to me, my addr
as below; —

"10. Oilmongers Stre
Black Town
Madras

I beg to remain
Sirs
Your most obedient ser

A. D. Leighton

The Secretary to the
Govt of Mysore

No. 14256
J.1208

OFFICE OF THE GOVERNMENT OF MYSORE.

SECTION Judicial Department,

The 28 January 189 1902

FILE No. 43 of 1901.

SERIAL No. 5.

Endorsement granted to Mr. Solomon Leighton

Police Inspector (on leave) in reply

to his Petition Registered No. 2093 dated 10th January 1902 appealing against the order of the Inspector General of Police in Mysore, declining to commute the leave on medical certificate granted to him (from the 13th October 1901) to privilege leave for 3 months to which he was entitled and praying that orders may be passed directing the disbursement of the pay & allowances due to him, the first 3 months of the leave granted to him being treated as privilege leave & the remainder as furlough on half pay.

Petitioner is informed that under Art. 165 of the Mysore Service Regulations, the leave on medical certificate originally granted to him cannot be changed into privilege leave and the further continuation of leave as furlough on half-pay is inadmissible. His appeal is therefore rejected.

By order

Sd/-

For Secretary

27/1/02

To Mr. Solomon Leighton,
Police Inspector (on leave)
No 10. Oilmongers Street, Black Town. Madras.

Memo

14257
J.1209

Copy to the Inspector General of Police in Mysore with reference to his letter No 253 dated 9th February 1902.

By order,